

**SUMTER COUNTY BOARD OF COMMISSIONERS
EXECUTIVE SUMMARY**

SUBJECT: Utility Maintenance and Access Easement Agreement with City of Center Hill

REQUESTED ACTION: Staff recommends approval

☐ Work Session (Report Only)

DATE OF MEETING: 3/23/2010

☒ Regular Meeting

☐ Special Meeting

CONTRACT: ☐ N/A

Vendor/Entity: City of Center Hill

Effective Date: 3/23/2010

Termination Date: _____

Managing Division / Dept: _____

Support Services/County Administration

BUDGET IMPACT:

☐ Annual

FUNDING SOURCE: _____

☐ Capital

EXPENDITURE ACCOUNT: _____

☒ N/A

HISTORY/FACTS/ISSUES:

In error The City of Center Hill transferred of property to Sumter County for the "Center Hill Fire Station" by conveying their water and recreation property in the deed. We prepared a corrective deed for the City to approve and to record. The easement provides the City of Center Hill a general access easement to access the property to maintain existing city utilities located upon or under the property.

THIS INSTRUMENT PREPARED BY:

Derrill L. McAteer, Esquire
THE HOGAN LAW FIRM, LLC
20 S. Broad Street
Post Office Box 485
Brooksville, Florida 34605-0485
(352) 799-8423

RETURN TO :

Ms. Tina Chavez
Sumter County Administration
910 North Main Street
Bushnell, FL 33513

SPACE ABOVE THIS LINE FOR RECORDER'S USE ONLY

UTILITY MAINTENANCE AND ACCESS EASEMENT AGREEMENT
BETWEEN SUMTER COUNTY, FLORIDA AND
THE CITY OF CENTER HILL, FLORIDA

THIS UTILITY MAINTENANCE AND ACCESS EASEMENT AGREEMENT is made this _____ day of _____, 2010, by and between the Board of County Commissioners of Sumter County, Florida, a subdivision of the State of Florida (hereinafter referred to as "Sumter County" or "Owner"), and The City of Center Hill, an incorporated Florida municipality (hereinafter referred to from time to time in this Agreement as (the "City").

WHEREAS, Sumter County is the owner of real property located within Sumter County, Florida, being described as the South 40 feet of Lot 202, New Plat of Center Hill, according to the Plat thereof recorded in Plat Book 1, Pages 77 ½ and 78, Public Records of Sumter County, Florida (hereinafter referred to as the "Property"); and;

WHEREAS, the Parties have determined that it is in the best interests of Owner and the City to for the Owner to grant and City to accept a general access easement to access the Property to maintain existing city utilities located upon or under the Property, and;

WHEREAS, the City has offered and Owner has accepted a payment of \$1.00 as consideration of the grant of easement described herein.

Therefore, in consideration of the foregoing recitals, which are acknowledged as accurate and incorporated as if stated herein, *in haec verba*, the Parties mutually agree as follows:

1. Owner hereby grants and conveys to City a utility access and maintenance easement along, in, on and over the Property, subject to the description and details described herein, specifically to maintain potable water main lines and sewer main lines, a fire hydrant, and a back flow preventer, together with all reasonable rights of ingress and egress across those portions of the Property as are necessary solely for the exercise of the rights expressly granted herein.

2. Upon exercising the right of ingress and egress as contemplated by this easement, City shall use its best efforts not to cause any damage or destruction to, or interruption of, the normal use of the Property by Owner, its successors or assigns.

3. Owner hereby reserves the right to use the Property in any manner that will not prevent or materially interfere with the exercise by City of the rights granted hereunder.

4. All rights, title and privileges granted herein, including all benefits and burdens, shall run with the land and shall be binding upon and inure to the benefit of the Parties, their respective heirs, executors, administrators, successors, assigns and legal representatives.

In witness whereof, the parties have executed or have caused this instrument to be executed by their proper officers duly authorized to do so.

GLORIA HAYWARD,
Clerk of the Circuit Court, Sumter County

BOARD OF COUNTY COMMISSIONERS
SUMTER COUNTY, FLORIDA

Deputy Clerk

Doug Gilpin, Chairman

CITY CLERK

CITY OF CENTER HILL, FLORIDA

_____, Mayor

TOTAL CONSIDERATION=\$0.00

Prepared by and return to:

Derrill L. McAteer, Esquire
The Hogan Law Firm LLC
20 S. Broad Street
Brooksville, FL 34601
352-799-8423
File Number: 07-430

Parcel Identification No. Q22A201

_____[Space Above This Line For Recording]_____

CORRECTIVE DEED

(This deed is being recorded for the purpose of correcting a scrivener's error in the legal description of the original Warranty Deed recorded on December 6, 2007, at Official Record Book 1876, Page 247, Public Records of Sumter County, Florida. The legal description)

This Corrective Deed made this ____ day of March, 2010 between **CITY OF CENTER HILL**, a Florida municipal corporation, whose Post Office address is Post Office Box 649, Center Hill, Florida 33514, as Grantor, and **SUMTER COUNTY**, a political subdivision of the State of Florida, whose Post office address is 910 N. Main Street, Bushnell, Florida 33513, as Grantee,

WITNESSETH, that said Grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable considerations to said Grantor in hand paid by said Grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said Grantee, and Grantee's heirs and assigns forever, the following described land, situate, lying and being in **SUMTER COUNTY, FLORIDA** to-wit:

Lots 201 and 202, NEW PLAT OF CENTER HILL, according to the plat thereof recorded in Plat Book 1, Pages 77 ½ and 78, Public Records of Sumter County, Florida.

This document is prepared without benefit of title exam, title insurance, or opinion.

TO HAVE AND TO HOLD, the same together with all and singular the appurtenances thereto belonging or in anywise appertaining, and all the estate, right, title interest, lien, equity and claim whatsoever of Grantors, either in law or equity, for the use, benefit and profit of the said Grantee forever.

IN WITNESS WHEREOF, Grantor has caused these presents to be executed in its name by its Board of County Commissioners acting by the chair of said board, the day and year aforesaid.

Signed, sealed and delivered in our presence:

CITY OF CENTER HILL, a Florida municipal corporation

By: _____, MAYOR

ATTEST:

_____, CITY CLERK

Witness Name: _____

Witness Name: _____

State of Florida
County of Sumter

The foregoing instrument was acknowledged before me this _____ day of _____, 2010 by _____, Mayor of City of Center Hill, a Florida municipal corporation, on behalf of the corporation. He [] is personally known to me or [] has produced a driver's license as identification.

[Notary Seal]

Notary Public

Printed Name: _____

My Commission Expires: _____